



01-13-05

IFW #

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**EXPRESS ABANDONMENT UNDER
37 CFR 1.138**

Express Mail Label No. EV511845713US

Send completed form to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/671,645
Filing Date	September 25, 2003
First Named Inventor	Ervin Goldfain
Art Unit	3737
Examiner Name	John R. Sanders, Jr.
Attorney Docket Number	281-329.02 Con

Please **check only one** of boxes 1 or 2 below:

(If no box is checked, this paper will be treated as a request for express abandonment as of the filing date of this paper.)

1. ☒ **Express Abandonment**

Per the appended remarks submitted herewith, I request that the above-identified application be expressly abandoned as of the filing date of this paper.

2. ☐ **Express Abandonment in Favor of a Continuing Application**

I request that the above-identified application be expressly abandoned as of the filing date accorded the continuing application filed previously or herewith.

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

TO AVOID PUBLICATION, PLEASE USE FORM PTO/SB/24A INSTEAD OF THIS FORM.

I am the: ☐ applicant.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 37,283

☐ attorney or agent acting under 37 CFR 1.34(a) (may act under 37 CFR 1.34(a) only if box 2 above, stating that the application is expressly abandoned in favor of a continuing application, is checked). Attorney or agent registration number if acting under 37 CFR 1.34(a). _____

(Attorney or agent registration number)

George S. Blasiak

Signature

George S. Blasiak

Typed or printed name

January 12, 2005

Date

315-425-9000

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL
For FY 2005****Complete if Known**

Application Number	10/671,645
Filing Date	September 25, 2003
First Named Inventor	Ervin Goldfain
Examiner Name	John R. Sanders, Jr.
Art Unit	3737
Attorney Docket No.	281-329.02 Con

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$450.00

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METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 50-0289 Deposit Account Name: Wall Mariama & Bilinski LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180
Total Claims		
- 20 or HP =	x	=
HP = highest paid number of total claims paid for, if greater than 20		
Indep. Claims		
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a) (1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEES

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other: Two Month Extension Fee	\$450.00

SUBMITTED BY

Signature		Registration No. 37,283 (Attorney/Agent)	Telephone 315-425-9000
Name (Print/Type)	George S. Blasiak		Date January 12, 2005

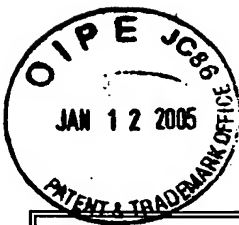
This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time your require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 281-329.02 Con
PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail addressed to Mail Stop: Express Abandonment, Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on January 12, 2005. Express Mail Label No. EV511845713US.

Barbara A. Saltzman
Barbara A. Saltzman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/671,645 Confirmation No.: 7887
Applicant: Ervin Goldfain et al.
Filed: September 25, 2003
Art Unit: 3737
Examiner: John R. Sanders, Jr.
Docket No.: 281-329.02 Con
Customer No.: 20874

Mail Stop: Express Abandonment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

EXPRESS ABANDONMENT REMARKS

Sir:

Remarks begin on page 2 of this paper.

Remarks

These remarks accompany the Express Abandonment made via PTO Form Express Abandonment Under 37 CFR §1.138 filed herewith. Applicants expressly abandon the present application. However, the abandonment of the present application should not be taken as an admission of unpatentability as to the claims of the present application. In fact, applicants concurrently herewith have copied select claims of the present application into co-pending parent application No. 09/862,636 filed May 22, 2001.

When the present application was filed, it was expected that parent Application No. 09/862,636 would issue shortly after the filing of the present application. However, delays in the issuance of the parent application (due to additional Information Disclosure Statement filings and an erroneous abandon status designation of the present application) have brought about complexities in the task of prosecuting both the parent and the present applications concurrently. For example, with the present application (No. 10/671,645) continuing to undergo active prosecution prior to the issuance of the parent application (No. 09/862,636), there would be the prospect of continued delays in the issuance of the parent application in order for the applicants to make of record in the parent application developments in the prosecution of the present application (No. 10/671,645). Further, certain claims of the present application have been subject to double patenting rejections vis a vis the parent application (No. 09/862,636).

Accordingly, with the abandonment of the present application and the consolidation of select claims from the present application (No. 10/671,645) into the parent application (No. 09/862,636), applicants hope to simplify prosecution of the claimed subject matter and to eliminate certain double patenting rejections presented by the Examiner in the present application.

While applicants have copied only certain select claims from the present application into the parent application (No. 09/862,636), their non-selection of certain claims should not be taken as an admission of unpatentability as to those unselected claims.

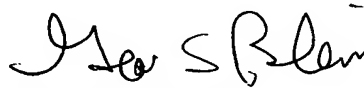
U. S. Patent Application No. 10/671,645
Express Abandonment Remarks Dated January 12, 2005

Applicants expressly reserve the right to prosecute subject matter of claims cancelled from the parent application and/or not copied from the present application into the parent application in a related application (e.g., another child continuation application of the parent application (No. 09/862,636).

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

Date: January 12, 2005



George S. Blasiak
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101 South Salina Street
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315-425-9000
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GSB/bs

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/671,645		
	Filing Date	September 25, 2003	
	First Named Inventor	Ervin Goldfain	
	Group Art Unit	3737	
	Examiner Name	John R. Sanders, Jr.	
Total Number of Pages in This Submission	8	Attorney Docket Number	281-329.02 Con

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Mail Room Postcard. Express Mail Label No. EV511845713US
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-0289.
Extension of Time Request: Applicants respectfully request a two month extension of time in response to Office Action dated September 8, 2004.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Wall Marjama & Bilinski LLP George S. Blasiak	Reg. No. 37,283
Signature		
Date	January 12, 2005	

CERTIFICATE OF MAILING

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Typed or printed name	Barbara A. Saltsman	
Signature		Date January 12, 2005

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